

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1384 be amended to read as follows:

- 1 Page 2, line 8, after "sex" insert "**or violent**".
- 2 Page 2, between lines 22 and 23, begin a new paragraph and insert:
- 3 "SECTION 2. IC 5-2-6-14, AS AMENDED BY P.L.173-2006,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 14. (a) The victim and witness assistance fund is
- 6 established. The institute shall administer the fund. Except as provided
- 7 in subsection (e), expenditures from the fund may be made only in
- 8 accordance with appropriations made by the general assembly.
- 9 (b) The source of the victim and witness assistance fund is the
- 10 family violence and victim assistance fund established by IC 12-18-5-2.
- 11 (c) The institute may use money from the victim and witness
- 12 assistance fund when awarding a grant or entering into a contract under
- 13 this chapter, if the money is used for the support of a program in the
- 14 office of a prosecuting attorney or in a state or local law enforcement
- 15 agency designed to:
- 16 (1) help evaluate the physical, emotional, and personal needs of
- 17 a victim resulting from a crime, and counsel or refer the victim to
- 18 those agencies or persons in the community that can provide the
- 19 services needed;
- 20 (2) provide transportation for victims and witnesses of crime to
- 21 attend proceedings in the case when necessary; or
- 22 (3) provide other services to victims or witnesses of crime when
- 23 necessary to enable them to participate in criminal proceedings
- 24 without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) support the **registration of sex or violent offenders under IC 11-8-8 and the Indiana sex and violent offender registry under ~~IC 11-8-8~~; IC 36-2-13-5.5**;

(3) provide training for persons to assist victims; and

(4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system."

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 10-13-3-5, AS AMENDED BY P.L.20-2006, SECTION 1, AND AS AMENDED BY P.L.140-2006, SECTION 4 AND P.L.173-2006, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information, *including a photograph*, regarding a sex ~~and violent~~ **or violent** offender (as defined in ~~IC 5-2-12-4~~) *IC 11-8-8-5*) obtained through sex ~~and violent~~ **or violent** offender registration under ~~IC 5-2-12~~ *IC 11-8-8*.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) *A photograph of the person who is the subject of the information described in subdivisions (1) through (3).*

SECTION 6. IC 10-13-3-27, AS AMENDED BY P.L.1-2006, SECTION 171, AND AS AMENDED BY P.L.140-2006, SECTION 5 AND P.L.173-2006, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has applied for a license and *has provided* criminal history data ~~as~~ as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by ~~IC 31-33-1.5-2~~ IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;
- (12) is being sought by the parent locator service of the child support bureau of the ~~division department of family and children;~~ *child services*;
- (13) is or was required to register as a sex ~~and~~ *or* violent offender under ~~IC 5-2-12~~; IC 11-8-8; or
- (14) has been convicted of any of the following:
  - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
  - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
  - (C) Child molesting (IC 35-42-4-3).
  - (D) Child exploitation (IC 35-42-4-4(b)).
  - (E) Possession of child pornography (IC 35-42-4-4(c)).
  - (F) Vicarious sexual gratification (IC 35-42-4-5).
  - (G) Child solicitation (IC 35-42-4-6).
  - (H) Child seduction (IC 35-42-4-7).
  - (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
  - (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 7. IC 10-13-3-30, AS AMENDED BY P.L.173-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the department of child services.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **registration of sex or violent offenders under IC 11-8-8 or the Indiana sex and violent offender registry under ~~IC 11-8-8~~ IC 36-2-13-5.5** or concerns a person required to register as a sex **or violent** offender under IC 11-8-8.

SECTION 8. IC 10-13-4-4, AS AMENDED BY P.L.173-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:
  - (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and
  - (B) that is obtained through sex **or violent** offender registration under IC 11-8-8.

SECTION 9. IC 11-8-2-12.4, AS ADDED BY P.L.173-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.4. The department shall do the following:

- (1) Maintain the Indiana sex **and violent** offender registry established under IC 36-2-13-5.5.
- (2) Prescribe and approve a format for sex **or violent** offender registration as required by IC 11-8-8.
- (3) Provide:
  - (A) judges;
  - (B) law enforcement officials;
  - (C) prosecuting attorneys;
  - (D) parole officers;
  - (E) probation officers; and
  - (F) community corrections officials;
 with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex **and violent** offender registry.
- (4) Upon request of a neighborhood association:
  - (A) transmit to the neighborhood association information concerning sex **or violent** offenders who reside near the location of the neighborhood association; or
  - (B) provide instructional materials concerning the use of the Indiana sex **and violent** offender registry to the neighborhood association.

SECTION 10. IC 11-8-2-13, AS ADDED BY P.L.173-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The Indiana sex **and violent** offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12.4 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.

- (b) The department shall do the following:
  - (1) Ensure that the Indiana sex **and violent** offender registry is updated at least once per day with information provided by a local

law enforcement authority (as defined in IC 11-8-8-2).

(2) Publish the Indiana sex **and violent** offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex **and violent** offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex **or violent** offense or has been adjudicated a delinquent child for an act that would be a sex **or violent** offense if committed by an adult.".

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 12. IC 11-8-8-3, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "principal residence" means the residence where a sex **or violent** offender spends the most time. The term includes a residence owned or leased by another person if the sex **or violent** offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex **or violent** offender.

SECTION 13. IC 11-8-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).
- (14) An attempt or a conspiracy to commit a crime listed in subdivisions (1) through (13).

**(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).**

**(b) The term includes:**

**(1) a person who is required to register as a sex offender in any jurisdiction; and**

**(2) a child who has committed a delinquent act and who:**

**(A) is at least fourteen (14) years of age;**

**(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and**

**(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.**

SECTION 14. IC 11-8-8-5, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

**(14) Murder (IC 35-42-1-1).**

**(15) Voluntary manslaughter (IC 35-42-1-3).**

**(16) Aggravated battery (IC 35-42-2-1.5).**

**(17) Arson as a Class A felony (IC 35-43-1-1).**

**(18) Possession, manufacture, placing, dissemination, or detonation of a weapon of mass destruction with the intent to carry out terrorism (IC 35-47-12-1).**

~~(14)~~ **(19)** An attempt or a conspiracy to commit a crime listed in subdivisions (1) through ~~(13)~~: **(18)**.

~~(15)~~ **(20)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(14)~~: **(19)**.

(b) The term includes:

(1) a person who is required to register as a sex **or violent** offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 15. IC 11-8-8-7, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex **or violent** offender who resides in Indiana. A sex **or violent** offender resides in Indiana if either of the following applies:

(A) The sex **or violent** offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex **or violent** offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex **or violent** offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days;

during any calendar year in Indiana, whether the sex **or violent** offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex **or violent** offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex **or violent** offender who resides in Indiana shall register with the local law enforcement



1 authority in the county where the sex **or violent** offender resides. If a  
 2 sex **or violent** offender resides in more than one (1) county, the sex **or**  
 3 **violent** offender shall register with the local law enforcement authority  
 4 in each county in which the sex **or violent** offender resides. If the sex  
 5 **or violent** offender is also required to register under subsection (a)(2)  
 6 or (a)(3), the sex **or violent** offender shall also register with the local  
 7 law enforcement authority in the county in which the offender is  
 8 required to register under subsection (c) or (d).

9 (c) A sex **or violent** offender described in subsection (a)(2) shall  
 10 register with the local law enforcement authority in the county where  
 11 the sex **or violent** offender is or intends to be employed or carry on a  
 12 vocation. If a sex **or violent** offender is or intends to be employed or  
 13 carry on a vocation in more than one (1) county, the sex **or violent**  
 14 offender shall register with the local law enforcement authority in each  
 15 county. If the sex **or violent** offender is also required to register under  
 16 subsection (a)(1) or (a)(3), the sex **or violent** offender shall also  
 17 register with the local law enforcement authority in the county in which  
 18 the offender is required to register under subsection (b) or (d).

19 (d) A sex **or violent** offender described in subsection (a)(3) shall  
 20 register with the local law enforcement authority in the county where  
 21 the sex **or violent** offender is enrolled or intends to be enrolled as a  
 22 student. If the sex **or violent** offender is also required to register under  
 23 subsection (a)(1) or (a)(2), the sex **or violent** offender shall also  
 24 register with the local law enforcement authority in the county in which  
 25 the offender is required to register under subsection (b) or (c).

26 (e) A sex **or violent** offender described in subsection (a)(1)(B) shall  
 27 register with the local law enforcement authority in the county in which  
 28 the real property is located. If the sex **or violent** offender is also  
 29 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex  
 30 **or violent** offender shall also register with the local law enforcement  
 31 authority in the county in which the offender is required to register  
 32 under subsection (b), (c), or (d).

33 (f) A sex **or violent** offender committed to the department shall  
 34 register with the department before the sex **or violent** offender is  
 35 released from incarceration. The department shall forward the sex **or**  
 36 **violent** offender's registration information to the local law enforcement  
 37 authority of every county in which the sex **or violent** offender is  
 38 required to register.

39 (g) This subsection does not apply to a sex **or violent** offender who  
 40 is a sexually violent predator. A sex **or violent** offender not committed  
 41 to the department shall register not more than seven (7) days after the  
 42 sex **or violent** offender:

- 43 (1) is released from a penal facility (as defined in IC 35-41-1-21);
- 44 (2) is released from a secure private facility (as defined in
- 45 IC 31-9-2-115);
- 46 (3) is released from a juvenile detention facility;

- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex **or violent** offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex **or violent** offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex **or violent** offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex **or violent** offender who is a sexually violent predator. A sex **or violent** offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex **or violent** offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex **or violent** offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex **or violent** offender registers under this section shall make and publish a photograph of the sex **or violent** offender on the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex **or violent** offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex **or violent** offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex **and violent** offender registry web site established

under IC 36-2-13-5.5.

(j) When a sex **or violent** offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5; and

(2) notify every law enforcement agency having jurisdiction in the county where the sex **or violent** offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex **or violent** offender during registration.

SECTION 16. IC 11-8-8-8, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The registration required under this chapter must include the following information:

(1) The sex **or violent** offender's full name, alias, any name by which the sex **or violent** offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex **or violent** offender's principal residence address.

(2) A description of the offense for which the sex **or violent** offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex **or violent** offender's employers in Indiana, the name and address of each campus or location where the sex **or violent** offender is enrolled in school in Indiana, and the address where the sex **or violent** offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex **or violent** offender.

(5) If the sex **or violent** offender is a sexually violent predator, that the sex **or violent** offender is a sexually violent predator.

(6) If the sex **or violent** offender is required to register for life, that the sex **or violent** offender is required to register for life.

(7) Any other information required by the department.

SECTION 17. IC 11-8-8-9, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex **or violent** offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex **or violent** offender of the sex **or violent** offender's duty to register under this chapter and require the sex

1       **or violent** offender to sign a written statement that the sex **or**  
 2       **violent** offender was orally informed or, if the sex **or violent**  
 3       offender refuses to sign the statement, certify that the sex **or**  
 4       **violent** offender was orally informed of the duty to register.

5       (2) Deliver a form advising the sex **or violent** offender of the sex  
 6       **or violent** offender's duty to register under this chapter and  
 7       require the sex **or violent** offender to sign a written statement that  
 8       the sex **or violent** offender received the written notice or, if the  
 9       sex **or violent** offender refuses to sign the statement, certify that  
 10      the sex **or violent** offender was given the written notice of the  
 11      duty to register.

12      (3) Obtain the address where the sex **or violent** offender expects  
 13      to reside after the sex **or violent** offender's release.

14      (4) Transmit to the local law enforcement authority in the county  
 15      where the sex **or violent** offender expects to reside the sex **or**  
 16      **violent** offender's name, date of release or transfer, new address,  
 17      and the offense or delinquent act committed by the sex **or violent**  
 18      offender.

19      (b) Not more than seventy-two (72) hours after a sex **or violent**  
 20      offender who is required to register under this chapter is released or  
 21      transferred as described in subsection (a), an official of the facility shall  
 22      transmit to the state police the following:

23          (1) The sex **or violent** offender's fingerprints, photograph, and  
 24          identification factors.

25          (2) The address where the sex **or violent** offender expects to  
 26          reside after the sex **or violent** offender's release.

27          (3) The complete criminal history data (as defined in  
 28          IC 10-13-3-5) or, if the sex **or violent** offender committed a  
 29          delinquent act, juvenile history data (as defined in IC 10-13-4-4)  
 30          of the sex **or violent** offender.

31          (4) Information regarding the sex **or violent** offender's past  
 32          treatment for mental disorders.

33          (5) Information as to whether the sex offender has been  
 34          determined to be a sexually violent predator.

35      (c) This subsection applies if a sex **or violent** offender is placed on  
 36      probation or in a community corrections program without being  
 37      confined in a penal facility. The probation office serving the court in  
 38      which the sex **or violent** offender is sentenced shall perform the duties  
 39      required under subsections (a) and (b).

40      SECTION 18. IC 11-8-8-10, AS ADDED BY P.L.173-2006,  
 41      SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42      JULY 1, 2007]: Sec. 10. Notwithstanding any other law, upon receiving  
 43      a sex **or violent** offender's fingerprints from a correctional facility, the  
 44      state police shall immediately send the fingerprints to the Federal  
 45      Bureau of Investigation.

46      SECTION 19. IC 11-8-8-11, AS ADDED BY P.L.173-2006,

SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) If a sex **or violent** offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex **or violent** offender stays in Indiana;

the sex **or violent** offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex **or violent** offender last registered.

(b) If a sex **or violent** offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex **or violent** offender's residence and forward all relevant registration information concerning the sex **or violent** offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex **or violent** offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex **or violent** offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex **or violent** offender's principal place of employment, principal place of vocation, or campus or location where the sex **or violent** offender is enrolled in school, the sex **or violent** offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex **or violent** offender last registered.

(d) If a sex **or violent** offender moves the sex **or violent** offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex **or violent** offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex **or violent** offender moves the sex **or violent** offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex **or violent** offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex **or violent** offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5.

SECTION 20. IC 11-8-8-12, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2007]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex **or violent** offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex **or violent** offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

(1) not more than seventy-two (72) hours after the sex **or violent** offender moves into the temporary residence; and

(2) during the period in which the sex **or violent** offender resides in a temporary residence, at least once every seven (7) days following the sex **or violent** offender's initial registration under subdivision (1).

(c) A sex **or violent** offender's obligation to register in person once every seven (7) days terminates when the sex **or violent** offender no longer resides in the temporary residence. However, all other requirements imposed on a sex **or violent** offender by this chapter continue in force, including the requirement that a sex **or violent** offender register the sex **or violent** offender's new address with the local law enforcement authority.

SECTION 21. IC 11-8-8-13, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) To verify a sex **or violent** offender's current residence, the local law enforcement authority shall do the following:

(1) Mail a reply form to each sex **or violent** offender in the county at the sex **or violent** offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or violent** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(2) Mail a reply form to each sex **or violent** offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under

section 11 or 20 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(3) Personally visit each sex **or violent** offender in the county at the sex **or violent** offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex **or violent** offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 22. IC 11-8-8-14, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. At least once per calendar year, a sex **or violent** offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;

1 (2) register; and  
 2 (3) be photographed by the local law enforcement authority;  
 3 in each location where the offender is required to register.

4 SECTION 23. IC 11-8-8-15, AS ADDED BY P.L.173-2006,  
 5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2007]: Sec. 15. (a) A sex **or violent** offender who is a resident  
 7 of Indiana shall obtain and keep in the sex **or violent** offender's  
 8 possession:

9 (1) a valid Indiana driver's license; or

10 (2) a valid Indiana identification card (as described in  
 11 IC 9-24-16).

12 (b) A sex **or violent** offender required to register in Indiana who is  
 13 not a resident of Indiana shall obtain and keep in the sex **or violent**  
 14 offender's possession:

15 (1) a valid driver's license issued by the state in which the sex **or**  
 16 **violent** offender resides; or

17 (2) a valid state issued identification card issued by the state in  
 18 which the sex **or violent** offender resides.

19 (c) A person who knowingly or intentionally violates this section  
 20 commits failure of a sex **or violent** offender to possess identification,  
 21 a Class A misdemeanor. However, the offense is a Class D felony if the  
 22 person:

23 (1) is a sexually violent predator; or

24 (2) has a prior unrelated conviction:

25 (A) under this section; or

26 (B) based on the person's failure to comply with any  
 27 requirement imposed on an offender under this chapter.

28 (d) It is a defense to a prosecution under this section that:

29 (1) the person has been unable to obtain a valid driver's license or  
 30 state issued identification card because less than thirty (30) days  
 31 have passed since the person's release from incarceration; or

32 (2) the person possesses a driver's license or state issued  
 33 identification card that expired not more than thirty (30) days  
 34 before the date the person violated subsection (a) or (b).

35 SECTION 24. IC 11-8-8-16, AS ADDED BY P.L.173-2006,  
 36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2007]: Sec. 16. (a) A sex **or violent** offender who is required  
 38 to register under this chapter may not petition for a change of name  
 39 under IC 34-28-2.

40 (b) If a sex **or violent** offender who is required to register under this  
 41 chapter changes the sex **or violent** offender's name due to marriage, the  
 42 sex **or violent** offender must register with the local law enforcement  
 43 authority not more than seven (7) days after the name change.

44 SECTION 25. IC 11-8-8-17, AS ADDED BY P.L.173-2006,  
 45 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2007]: Sec. 17. A sex **or violent** offender who knowingly or



1 intentionally:

- 2 (1) fails to register when required to register under this chapter;
- 3 (2) fails to register in every location where the sex **or violent**
- 4 offender is required to register under this chapter;
- 5 (3) makes a material misstatement or omission while registering
- 6 as a sex **or violent** offender under this chapter; or
- 7 (4) fails to register in person and be photographed at least one (1)
- 8 time per year as required under this chapter;

9 commits a Class D felony. However, the offense is a Class C felony if  
 10 the sex **or violent** offender has a prior unrelated conviction for an  
 11 offense under this section or based on the person's failure to comply  
 12 with any requirement imposed on a sex **or violent** offender under this  
 13 chapter.

14 SECTION 26. IC 11-8-8-19, AS ADDED BY P.L.173-2006,  
 15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2007]: Sec. 19. (a) Except as provided in subsections (b)  
 17 through (e), a sex **or violent** offender is required to register under this  
 18 chapter until the expiration of ten (10) years after the date the sex **or**  
 19 **violent** offender:

- 20 (1) is released from a penal facility (as defined in IC 35-41-1-21)
- 21 or a secure juvenile detention facility of a state or another
- 22 jurisdiction;
- 23 (2) is placed in a community transition program;
- 24 (3) is placed in a community corrections program;
- 25 (4) is placed on parole; or
- 26 (5) is placed on probation;

27 whichever occurs last. The department shall ensure that an offender  
 28 who is no longer required to register as a sex **or violent** offender is  
 29 notified that the obligation to register has expired.

30 (b) A sex offender who is a sexually violent predator is required to  
 31 register for life.

32 (c) A sex **or violent** offender who is convicted of at least one (1) sex  
 33 **or violent** offense that the sex **or violent** offender committed:

- 34 (1) when the person was at least eighteen (18) years of age; and
- 35 (2) against a victim who was less than twelve (12) years of age at
- 36 the time of the crime;

37 is required to register for life.

38 (d) A sex **or violent** offender who is convicted of at least one (1)  
 39 sex **or violent** offense in which the sex **or violent** offender:

- 40 (1) proximately caused serious bodily injury or death to the
- 41 victim;
- 42 (2) used force or the threat of force against the victim or a
- 43 member of the victim's family; or
- 44 (3) rendered the victim unconscious or otherwise incapable of
- 45 giving voluntary consent;

46 is required to register for life.

(e) A sex **or violent** offender who is convicted of at least two (2) unrelated sex **or violent** offenses is required to register for life.

SECTION 27. IC 11-8-8-20, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex **or violent** offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex **or violent** offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex **or violent** offender is required to register in Indiana of:

(1) the sex **or violent** offender's name, date of relocation, and new address; and

(2) the sex **or violent** offense or delinquent act committed by the sex **or violent** offender.

(d) The state agency shall determine, following a hearing:

(1) whether a person convicted of an offense in another jurisdiction is required to register as a sex **or violent** offender in Indiana;

(2) whether an out of state sex **or violent** offender is a sexually violent predator; and

(3) the period in which an out of state sex **or violent** offender who has moved to Indiana will be required to register as a sex **or violent** offender in Indiana.

SECTION 28. IC 11-13-3-4, AS AMENDED BY P.L.60-2006, SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AS AMENDED BY P.L.140-2006, SECTION 15, AND AS AMENDED BY P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

- 1 (2) forwarded to any person charged with the parolee's
- 2 supervision; and
- 3 (3) placed in the parolee's master file.
- 4 (d) The parole board may modify parole conditions if the parolee
- 5 receives notice of that action and had ten (10) days after receipt of the
- 6 notice to express the parolee's views on the proposed modification.
- 7 This subsection does not apply to modification of parole conditions
- 8 after a revocation proceeding under section 10 of this chapter.
- 9 (e) As a condition of parole, the parole board may require the
- 10 parolee to reside in a particular parole area. In determining a parolee's
- 11 residence requirement, the parole board shall:
- 12 (1) consider:
- 13 (A) the residence of the parolee prior to the parolee's
- 14 incarceration; and
- 15 (B) the parolee's place of employment; and
- 16 (2) assign the parolee to reside in the county where the parolee
- 17 resided prior to the parolee's incarceration unless assignment on
- 18 this basis would be detrimental to the parolee's successful
- 19 reintegration into the community.
- 20 (f) As a condition of parole, the parole board may require the
- 21 parolee to:
- 22 (1) periodically undergo a laboratory chemical test (as defined in
- 23 IC 14-15-8-1) or series of tests to detect and confirm the presence
- 24 of a controlled substance (as defined in IC 35-48-1-9); and
- 25 (2) have the results of any test under this subsection reported to
- 26 the parole board by the laboratory.
- 27 The parolee is responsible for any charges resulting from a test
- 28 required under this subsection. However, a person's parole may not be
- 29 revoked on the basis of the person's inability to pay for a test under this
- 30 subsection.
- 31 (g) As a condition of parole, the parole board:
- 32 (1) may require a parolee who is a sex ~~and violent~~ offender (as
- 33 defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) to:
- 34 (A) participate in a treatment program for sex offenders
- 35 approved by the parole board; and
- 36 (B) avoid contact with any person who is less than sixteen (16)
- 37 years of age unless the parolee:
- 38 (i) receives the parole board's approval; or
- 39 (ii) successfully completes the treatment program referred to
- 40 in clause (A); and
- 41 (2) shall:
- 42 (A) require a parolee who is ~~an~~ a sex **or violent** offender (as
- 43 defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~) to register with a ~~sheriff~~
- 44 ~~(or the police chief of a consolidated city)~~ local law
- 45 enforcement authority under ~~IC 5-2-12-5~~, IC 11-8-8;
- 46 (B) prohibit ~~the~~ a parolee who is a sex offender from residing

within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, *unless the sex offender obtains written approval from the parole board; and* (C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense *unless the sex offender obtains a waiver under IC 35-38-2-2.5; and*

(D) prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex **or violent** offender convicted of a sex **or violent** offense (as defined in IC 35-38-2-2.5) is confidential, *even if the sex **or violent** offender obtains a waiver under IC 35-38-2-2.5.*

(i) *As a condition of parole, the parole board may require a parolee to participate in a reentry court program.*

~~(j)~~ **(j)** *As a condition of parole, the parole board:*

(1) *shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and*

(2) *may require a parolee who is a sex **or violent** offender (as defined in ~~IC 35-38-2-2.5~~, IC 11-8-8-5);*

*to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.*

~~(k)~~ **(k)** *As a condition of parole, the parole board may prohibit, in accordance with ~~IC 35-38-2-2.5~~, IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.*

SECTION 29. IC 25-20.2-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and

(C) has not been:

- 1 (i) convicted of an act that would constitute a ground for
- 2 disciplinary sanction under IC 25-1-11;
- 3 (ii) convicted of a crime that has a direct bearing on the
- 4 individual's ability to perform competently and fully as a
- 5 licensee;
- 6 (iii) listed on a national or state registry of sex **or violent**
- 7 offenders; or
- 8 (iv) the subject of a disciplinary or enforcement action by
- 9 another state or a local jurisdiction in connection with the
- 10 performance of home inspections or the licensing or
- 11 certification of home inspectors.
- 12 (2) Verify the information submitted on the application form.
- 13 (3) Complete a board approved training program or course of
- 14 study involving the performance of home inspections and the
- 15 preparation of home inspection reports and pass an examination
- 16 prescribed or approved by the board.
- 17 (4) Submit to the board a certificate of insurance or other
- 18 evidence of financial responsibility that is acceptable to the board
- 19 and that:
- 20 (A) is issued by an insurance company or other legal entity
- 21 authorized to transact business in Indiana;
- 22 (B) provides for general liability coverage of at least one
- 23 hundred thousand dollars (\$100,000);
- 24 (C) lists the state as an additional insured;
- 25 (D) states that cancellation and nonrenewal of the underlying
- 26 policy or other evidence of financial responsibility is not
- 27 effective until the board receives at least ten (10) days prior
- 28 written notice of the cancellation or nonrenewal; and
- 29 (E) contains any other terms and conditions established by the
- 30 board.
- 31 (5) Pay a licensing fee established by the board.
- 32 (b) An individual applying for a license as a home inspector must
- 33 apply on a form prescribed and provided by the board.
- 34 SECTION 30. IC 31-19-11-1, AS AMENDED BY P.L.140-2006,
- 35 SECTION 17 AND P.L.173-2006, SECTION 17, AND AS
- 36 AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND
- 37 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:
- 38 Sec. 1. (a) Whenever the court has heard the evidence and finds that:
- 39 (1) the adoption requested is in the best interest of the child;
- 40 (2) the petitioner or petitioners for adoption are of sufficient
- 41 ability to rear the child and furnish suitable support and
- 42 education;
- 43 (3) the report of the investigation and recommendation under
- 44 IC 31-19-8-5 has been filed;
- 45 (4) the attorney or agency arranging an adoption has filed with the
- 46 court an affidavit prepared by the state department of health under

1 IC 31-19-5-16 indicating whether a man is entitled to notice of the  
2 adoption because the man has registered with the putative father  
3 registry in accordance with IC 31-19-5;

4 (5) proper notice arising under subdivision (4), if notice is  
5 necessary, of the adoption has been given;

6 (6) the attorney or agency has filed with the court an affidavit  
7 prepared by the state department of health under:

8 (A) IC 31-19-6 indicating whether a record of a paternity  
9 determination; or

10 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit  
11 executed under IC 16-37-2-2.1;

12 has been filed in relation to the child;

13 (7) proper consent, if consent is necessary, to the adoption has  
14 been given;

15 (8) the petitioner for adoption is not prohibited from adopting the  
16 child as the result of an inappropriate criminal history described  
17 in subsection (c) or (d); and

18 (9) the person, licensed child placing agency, or county office of  
19 family and children that has placed the child for adoption has  
20 provided the documents and other information required under  
21 IC 31-19-17 to the prospective adoptive parents;

22 the court shall grant the petition for adoption and enter an adoption  
23 decree.

24 (b) A court may not grant an adoption unless the ~~department's~~ *state*  
25 *department of health's* affidavit under IC 31-19-5-16 is filed with the  
26 court as provided under subsection (a)(4).

27 (c) A conviction of a felony or a misdemeanor related to the health  
28 and safety of a child by a petitioner for adoption is a permissible basis  
29 for the court to deny the petition for adoption. In addition, the court  
30 may not grant an adoption if a petitioner for adoption has been  
31 convicted of any of the felonies described as follows:

32 (1) Murder (IC 35-42-1-1).

33 (2) Causing suicide (IC 35-42-1-2).

34 (3) Assisting suicide (IC 35-42-1-2.5).

35 (4) Voluntary manslaughter (IC 35-42-1-3).

36 (5) Reckless homicide (IC 35-42-1-5).

37 (6) Battery as a felony (IC 35-42-2-1).

38 (7) Aggravated battery (IC 35-42-2-1.5).

39 (8) Kidnapping (IC 35-42-3-2).

40 (9) Criminal confinement (IC 35-42-3-3).

41 (10) A felony sex offense under IC 35-42-4.

42 (11) Carjacking (IC 35-42-5-2).

43 (12) Arson (IC 35-43-1-1).

44 (13) Incest (IC 35-46-1-3).

45 (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and  
46 IC 35-46-1-4(a)(2)).

(15) Child selling (IC 35-46-1-4(d)).

(16) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(17) A felony relating to controlled substances under IC 35-48-4.

(18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ **a sex or violent** offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5).".

Page 4, line 28, after "facility," insert "**an**".

Page 4, line 28, after "insurer," insert "**a**".

Page 4, line 28, after "entity," insert "**an**".

Page 4, line 28, after "employer," insert "**a**".

Page 4, line 29, after "agency," insert "**a**".

Page 4, line 29, after "department," insert "**an**".

Page 6, between lines 41 and 42, begin a new paragraph and insert:  
"SECTION 33. IC 35-43-1-2, AS AMENDED BY P.L.173-2006,  
SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]: Sec. 2. (a) A person who:

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged contained data relating to a person required to register as a sex **or violent** offender under IC 11-8-8, and the person is not a sex **or violent** offender or was not required to register as a sex **or violent** offender;

(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal

- 1 system, train control system, centralized dispatching system,  
2 or highway railroad grade crossing warning signal on a  
3 railroad right-of-way owned, leased, or operated by a  
4 railroad company;
- 5 (vi) the property damaged was any rail, switch, roadbed,  
6 viaduct, bridge, trestle, culvert, or embankment on a  
7 right-of-way owned, leased, or operated by a railroad  
8 company; or
- 9 (vii) the property damage or defacement was caused by paint  
10 or other markings; and
- 11 (B) a Class D felony if:
  - 12 (i) the pecuniary loss is at least two thousand five hundred  
13 dollars (\$2,500);
  - 14 (ii) the damage causes a substantial interruption or  
15 impairment of utility service rendered to the public;
  - 16 (iii) the damage is to a public record;
  - 17 (iv) the property damaged contained data relating to a  
18 person required to register as a sex **or violent** offender  
19 under IC 11-8-8, and the person is a sex **or violent** offender  
20 or was required to register as a sex **or violent** offender;
  - 21 (v) the damage causes substantial interruption or impairment  
22 of work conducted in a scientific research facility;
  - 23 (vi) the damage is to a law enforcement animal (as defined  
24 in IC 35-46-3-4.5); or
  - 25 (vii) the damage causes substantial interruption or  
26 impairment of work conducted in a food processing facility.
- 27 (b) A person who recklessly, knowingly, or intentionally damages:
  - 28 (1) a structure used for religious worship;
  - 29 (2) a school or community center;
  - 30 (3) the grounds:
    - 31 (A) adjacent to; and
    - 32 (B) owned or rented in common with;
  - 33 a structure or facility identified in subdivision (1) or (2); or
  - 34 (4) personal property contained in a structure or located at a  
35 facility identified in subdivision (1) or (2);
- 36 without the consent of the owner, possessor, or occupant of the  
37 property that is damaged, commits institutional criminal mischief, a  
38 Class A misdemeanor. However, the offense is a Class D felony if the  
39 pecuniary loss is at least two hundred fifty dollars (\$250) but less than  
40 two thousand five hundred dollars (\$2,500), and a Class C felony if the  
41 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
- 42 (c) If a person is convicted of an offense under this section that  
43 involves the use of graffiti, the court may, in addition to any other  
44 penalty, order that the person's operator's license be suspended or  
45 invalidated by the bureau of motor vehicles for not more than one (1)  
46 year.



(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person."

Page 7, after line 40, begin a new paragraph and insert:

"SECTION 38. IC 35-50-2-2, AS AMENDED BY P.L.151-2006, SECTION 28, AND AS AMENDED BY P.L.140-2006, SECTION 36 AND P.L.173-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:  
Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);

(E) confinement (IC 35-42-3-3) with a deadly weapon;

(F) rape (IC 35-42-4-1) as a Class A felony;

- 1 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
- 2 felony;
- 3 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
- 4 felony;
- 5 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
- 6 with a deadly weapon;
- 7 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
- 8 injury;
- 9 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
- 10 or with a deadly weapon;
- 11 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
- 12 weapon;
- 13 (M) escape (IC 35-44-3-5) with a deadly weapon;
- 14 (N) rioting (IC 35-45-1-2) with a deadly weapon;
- 15 (O) dealing in cocaine *or* a narcotic drug *or* ~~methamphetamine~~
- 16 (IC 35-48-4-1) if the court finds the person possessed a firearm
- 17 (as defined in IC 35-47-1-5) at the time of the offense, or the
- 18 person delivered or intended to deliver to a person under
- 19 eighteen (18) years of age at least three (3) years junior to the
- 20 person and was on a school bus or within one thousand (1,000)
- 21 feet of:
- 22 (i) school property;
- 23 (ii) a public park;
- 24 (iii) a family housing complex; or
- 25 (iv) a youth program center;
- 26 *(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court*
- 27 *finds the person possessed a firearm (as defined in*
- 28 *IC 35-47-1-5) at the time of the offense, or the person*
- 29 *delivered or intended to deliver the methamphetamine pure or*
- 30 *adulterated to a person under eighteen (18) years of age at*
- 31 *least three (3) years junior to the person and was on a school*
- 32 *bus or within one thousand (1,000) feet of:*
- 33 *(i) school property;*
- 34 *(ii) a public park;*
- 35 *(iii) a family housing complex; or*
- 36 *(iv) a youth program center;*
- 37 ~~(P)~~ (Q) dealing in a schedule I, II, or III controlled substance
- 38 (IC 35-48-4-2) if the court finds the person possessed a firearm
- 39 (as defined in IC 35-47-1-5) at the time of the offense, or the
- 40 person delivered or intended to deliver to a person under
- 41 eighteen (18) years of age at least three (3) years junior to the
- 42 person and was on a school bus or within one thousand (1,000)
- 43 feet of:
- 44 (i) school property;
- 45 (ii) a public park;
- 46 (iii) a family housing complex; or

- (iv) a youth program center;
- ~~(Q)~~ (R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;
- ~~(R)~~ (S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or
- ~~(S)~~ (T) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~a~~ **a sex or violent** offender's (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) sentence that is suspendible under subsection (b), the court shall place the **sex or violent** offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) *or* IC 35-48-4-6.1(b)(1)(B) may not be suspended.

SECTION 39. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AND AS AMENDED BY P.L.140-2006, SECTION 38 AND P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if the sentence included a period of probation.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on

1 parole from the date of release until the person's fixed term expires,  
 2 unless the person's parole is revoked or the person is discharged from  
 3 that term by the parole board. In any event, if the person's parole is not  
 4 revoked, the parole board shall discharge the person after the period set  
 5 under subsection (a) or the expiration of the person's fixed term,  
 6 whichever is shorter.

7 (c) A person whose parole is revoked shall be imprisoned for all or  
 8 part of the remainder of the person's fixed term. However, the person  
 9 shall again be released on parole when the person completes that  
 10 remainder, less the credit time the person has earned since the  
 11 revocation. The parole board may reinstate the person on parole at any  
 12 time after the revocation.

13 (d) This subsection does not apply to a person who is a sexually  
 14 violent predator under IC 35-38-1-7.5. When a sex **or violent** offender  
 15 (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) completes the sex **or violent**  
 16 offender's fixed term of imprisonment, less credit time earned with  
 17 respect to that term, the sex **or violent** offender shall be placed on  
 18 parole for not more than ten (10) years.

19 (e) This subsection applies to a person who is a sexually violent  
 20 predator under IC 35-38-1-7.5. When a sexually violent predator  
 21 completes the person's fixed term of imprisonment, less credit time  
 22 earned with respect to that term, the person shall be placed on parole  
 23 for the remainder of the person's life.

24 (f) This subsection applies to a parolee in another jurisdiction who  
 25 is a sexually violent predator under IC 35-38-1-7.5 and whose parole  
 26 supervision is transferred to Indiana from another jurisdiction. In  
 27 accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State  
 28 Probationers and Parolees) and rules adopted under Article VII (d)(8)  
 29 of the Interstate Compact for Adult Offender Supervision (IC  
 30 11-13-4.5), a parolee who is a sexually violent predator and whose  
 31 parole supervision is transferred to Indiana is subject to the same  
 32 conditions of parole as a sexually violent predator convicted in Indiana,  
 33 including:

- 34 (1) lifetime parole (as described in subsection (e)); and
- 35 (2) the requirement that the person wear a monitoring device (as
- 36 described in IC 35-38-2.5-3) that can transmit information
- 37 twenty-four (24) hours each day regarding a person's precise
- 38 location, if applicable.

39 (g) If a person being supervised on lifetime parole as described in  
 40 subsection (e) is also required to be supervised by a court, a probation  
 41 department, a community corrections program, a community transition  
 42 program, or another similar program upon the person's release from  
 43 imprisonment, the parole board may:

- 44 (1) supervise the person while the person is being supervised by
- 45 the other supervising agency; or
- 46 (2) permit the other supervising agency to exercise all or part of

the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 40. IC 35-50-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person assigned to Class I earns one (1) day of credit time for each day ~~he the~~ **person** is imprisoned for a crime or confined awaiting trial or sentencing.

(b) A person assigned to Class II earns one (1) day of credit time for every two (2) days ~~he the person~~ is imprisoned for a crime or confined awaiting trial or sentencing.

**(c) A person assigned to Class IV earns one (1) day of credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.**

~~(c)~~ **(d)** A person assigned to Class III earns no credit time.

SECTION 41. IC 35-50-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person **who is not a sex or violent offender** imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I.

**(b) A person who is a sex or violent offender imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV.**

~~(b)~~ **(c)** A person **who is not assigned to Class IV** may be reassigned to Class II or Class III if ~~he the person~~ violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which ~~he the person~~ is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, ~~he the person~~ must be granted a hearing to determine ~~his the person's~~ guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive ~~his the~~ right to the hearing.

**(d) A person who is assigned to Class IV may be reassigned to Class III if the person violates any of the following:**

**(1) A rule of the department of correction.**

**(2) A rule of the penal facility in which the person is**

1           **imprisoned.**

2           **(3) A rule or condition of a community transition program.**

3           **However, a violation of a condition of parole or probation may not**  
 4           **be the basis for reassignment. Before a person may be reassigned**  
 5           **to a lower credit time class, the person must be granted a hearing**  
 6           **to determine the person's guilt or innocence and, if found guilty,**  
 7           **whether reassignment is an appropriate disciplinary action for the**  
 8           **violation. The person may waive the right to the hearing.**

9           ~~(c)~~ **(e)** In connection with the hearing granted under subsection ~~(b)~~;  
 10          **(c) or (d)**, the person is entitled to:

11           (1) have not less than twenty-four (24) hours advance written  
 12           notice of the date, time, and place of the hearing, and of the  
 13           alleged misconduct and the rule the misconduct is alleged to have  
 14           violated;

15           (2) have reasonable time to prepare for the hearing;

16           (3) have an impartial decisionmaker;

17           (4) appear and speak in ~~his~~ **the person's** own behalf;

18           (5) call witnesses and present evidence;

19           (6) confront and cross-examine each witness, unless the hearing  
 20           authority finds that to do so would subject a witness to a  
 21           substantial risk of harm;

22           (7) have the assistance of a lay advocate (the department may  
 23           require that the advocate be an employee of, or a fellow prisoner  
 24           in, the same facility or program);

25           (8) have a written statement of the findings of fact, the evidence  
 26           relied upon, and the reasons for the action taken;

27           (9) have immunity if ~~his~~ **the person's** testimony or any evidence  
 28           derived from ~~his~~ **the person's** testimony is used in any criminal  
 29           proceedings; and

30           (10) have ~~his~~ **the person's** record expunged of any reference to  
 31           the charge if ~~he~~ **the person** is found not guilty or if a finding of  
 32           guilt is later overturned.

33          Any finding of guilt must be supported by a preponderance of the  
 34          evidence presented at the hearing.

35          ~~(d)~~ **(f)** A person may be reassigned from Class III to Class I, ~~or~~ Class  
 36          II, **or Class IV**, or from Class II to Class I. A person's assignment to  
 37          Class III or Class II shall be reviewed at least once every six (6) months  
 38          to determine if ~~he~~ **the person** should be reassigned to a higher credit  
 39          time class.

40          SECTION 42. IC 35-50-6-5, AS AMENDED BY P.L.173-2006,  
 41          SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42          JULY 1, 2007]: Sec. 5. (a) A person may, with respect to the same  
 43          transaction, be deprived of any part of the credit time the person has  
 44          earned for any of the following:

45           (1) A violation of one (1) or more rules of the department of  
 46           correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a community transition program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is a sex **or violent** offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.

(6) If the person is a sex offender (as defined in ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, ~~he~~ **the person** may also be reassigned to Class II (**if the person was not assigned to Class IV**) or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section ~~4(c)~~ **4(e)** of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 43. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex **and violent** offender **registry** web site, known as the Indiana sex **and violent** offender registry, to inform the general public about the identity, location, and appearance of every sex **or violent** offender residing within Indiana. The web site must provide information regarding each sex **or violent** offender, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex **and violent** offender **registry** web site must include the following information:

(1) A recent photograph of every sex **or violent** offender who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex **or violent** offender.

(3) The information required under IC 11-8-8-8.

(c) Every time a sex **or violent** offender registers, but at least once per year, the sheriff shall photograph the sex **or violent** offender. The

sheriff shall place this photograph on the Indiana sex **and violent** offender **registry** web site.

(d) The photograph of a sex **or violent** offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex **and violent** offender **registry** web site.

(e) The Indiana sex **and violent** offender **registry** web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal body.

SECTION 44. IC 36-3-1-5.1, AS AMENDED BY P.L.1-2006, SECTION 559, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority vote adopt an ordinance, approved by the mayor, to consolidate the police department of the consolidated city and the county sheriff's department.

(b) The city-county legislative body may not adopt an ordinance under this section unless it first:

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate police protection can be provided through the consolidation; and

(B) the consolidation is in the public interest.

(c) If an ordinance is adopted under this section, the consolidation shall take effect on the date specified in the ordinance.

(d) Notwithstanding any other law, an ordinance adopted under this section must provide that the county sheriff's department shall be



1 responsible for all the following for the consolidated city and the  
 2 county under the direction and control of the sheriff:

- 3 (1) County jail operations and facilities.
- 4 (2) Emergency communications.
- 5 (3) Security for buildings and property owned by:
  - 6 (A) the consolidated city;
  - 7 (B) the county; or
  - 8 (C) both the consolidated city and county.
- 9 (4) Service of civil process and collection of taxes under tax  
 10 warrants.
- 11 (5) Sex **or violent** offender registration.

12 (e) The following apply if an ordinance is adopted under this  
 13 section:

- 14 (1) The department of local government finance, on  
 15 recommendation from the local government tax control board,  
 16 shall adjust the maximum permissible ad valorem property tax  
 17 levy of the consolidated city and the county for property taxes first  
 18 due and payable in the year a consolidation takes effect under this  
 19 section. When added together, the adjustments under this  
 20 subdivision must total zero (0).
- 21 (2) The ordinance must specify which law enforcement officers  
 22 of the police department and which law enforcement officers of  
 23 the county sheriff's department shall be law enforcement officers  
 24 of the consolidated law enforcement department.
- 25 (3) The ordinance may not prohibit the providing of law  
 26 enforcement services for an excluded city under an interlocal  
 27 agreement under IC 36-1-7.
- 28 (4) A member of the county police force who:
  - 29 (A) was an employee beneficiary of the sheriff's pension trust  
 30 before the consolidation of the law enforcement departments;  
 31 and
  - 32 (B) after the consolidation becomes a law enforcement officer  
 33 of the consolidated law enforcement department;  
 34 remains an employee beneficiary of the sheriff's pension trust.  
 35 The member retains, after the consolidation, credit in the sheriff's  
 36 pension trust for service earned while a member of the county  
 37 police force and continues to earn service credit in the sheriff's  
 38 pension trust as a member of the consolidated law enforcement  
 39 department for purposes of determining the member's benefits  
 40 from the sheriff's pension trust.
- 41 (5) A member of the police department of the consolidated city  
 42 who:
  - 43 (A) was a member of the 1953 fund or the 1977 fund before  
 44 the consolidation of the law enforcement departments; and
  - 45 (B) after the consolidation becomes a law enforcement officer  
 46 of the consolidated law enforcement department;

1 remains a member of the 1953 fund or the 1977 fund. The  
2 member retains, after the consolidation, credit in the 1953 fund or  
3 the 1977 fund for service earned while a member of the police  
4 department of the consolidated city and continues to earn service  
5 credit in the 1953 fund or the 1977 fund as a member of the  
6 consolidated law enforcement department for purposes of  
7 determining the member's benefits from the 1953 fund or the  
8 1977 fund.

9 (6) The ordinance must designate the merit system that shall  
10 apply to the law enforcement officers of the consolidated law  
11 enforcement department.

12 (7) The ordinance must designate who shall serve as a coapplicant  
13 for a warrant or an extension of a warrant under IC 35-33.5-2.

14 (8) The consolidated city may levy property taxes within the  
15 consolidated city's maximum permissible ad valorem property tax  
16 levy limit to provide for the payment of the expenses for the  
17 operation of the consolidated law enforcement department. The  
18 police special service district established under section 6 of this  
19 chapter may levy property taxes to provide for the payment of  
20 expenses for the operation of the consolidated law enforcement  
21 department within the territory of the police special service  
22 district. Property taxes to fund the pension obligation under  
23 IC 36-8-7.5 may be levied only by the police special service  
24 district within the police special service district. The consolidated  
25 city may not levy property taxes to fund the pension obligation  
26 under IC 36-8-7.5. Property taxes to fund the pension obligation  
27 under IC 36-8-8 for members of the 1977 police officers' and  
28 firefighters' pension and disability fund who were members of the  
29 police department of the consolidated city on the effective date of  
30 the consolidation may be levied only by the police special service  
31 district within the police special service district. Property taxes to  
32 fund the pension obligation under IC 36-8-10 for members of the  
33 sheriff's pension trust and under IC 36-8-8 for members of the  
34 1977 police officers' and firefighters' pension and disability fund  
35 who were not members of the police department of the  
36 consolidated city on the effective date of the consolidation may be  
37 levied by the consolidated city within the consolidated city's  
38 maximum permissible ad valorem property tax levy. The assets of  
39 the consolidated city's 1953 fund and the assets of the sheriff's  
40 pension trust may not be pledged after the effective date of the  
41 consolidation as collateral for any loan.

42 (9) The executive of the consolidated city shall provide for an  
43 independent evaluation and performance audit, due before March  
44 1 of the year following the adoption of the consolidation  
45 ordinance and for the following two (2) years, to determine:

46 (A) the amount of any cost savings, operational efficiencies, or

1 improved service levels; and  
 2 (B) any tax shifts among taxpayers;  
 3 that result from the consolidation. The independent evaluation  
 4 and performance audit must be provided to the legislative council  
 5 in an electronic format under IC 5-14-6 and to the ~~state~~ budget  
 6 committee.

7 SECTION 45. IC 36-8-10-21 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) This section  
 9 applies to any county that has a jail commissary that sells merchandise  
 10 to inmates.

11 (b) A jail commissary fund is established, referred to in this section  
 12 as "the fund". The fund is separate from the general fund, and money  
 13 in the fund does not revert to the general fund.

14 (c) The sheriff, or ~~his~~ **the sheriff's** designee, shall deposit all money  
 15 from commissary sales into the fund, which ~~he~~ **the sheriff or the**  
 16 **sheriff's designee** shall keep in a depository designated under  
 17 IC 5-13-8.

18 (d) The sheriff, or ~~his~~ **the sheriff's** designee, at ~~his~~ **the sheriff's or**  
 19 **the sheriff's designee's** discretion and without appropriation by the  
 20 county fiscal body, may disburse money from the fund for:

- 21 (1) merchandise for resale to inmates through the commissary;
- 22 (2) expenses of operating the commissary, including, but not
- 23 limited to, facilities and personnel;
- 24 (3) special training in law enforcement for employees of the
- 25 sheriff's department;
- 26 (4) equipment installed in the county jail;
- 27 (5) equipment, including vehicles and computers, computer
- 28 software, communication devices, office machinery and
- 29 furnishings, cameras and photographic equipment, animals,
- 30 animal training, holding and feeding equipment and supplies, or
- 31 attire used by an employee of the sheriff's department in the
- 32 course of the employee's official duties;
- 33 (6) an activity provided to maintain order and discipline among
- 34 the inmates of the county jail;
- 35 (7) an activity or program of the sheriff's department intended to
- 36 reduce or prevent occurrences of criminal activity, including the
- 37 following:
  - 38 (A) Substance abuse.
  - 39 (B) Child abuse.
  - 40 (C) Domestic violence.
  - 41 (D) Drinking and driving.
  - 42 (E) Juvenile delinquency;
- 43 (8) expenses related to the establishment, operation, or
- 44 maintenance of the sex **and violent** offender **registry** web site
- 45 under IC 36-2-13-5.5; or
- 46 (9) any other purpose that benefits the sheriff's department that is

1           mutually agreed upon by the county fiscal body and the county  
2           sheriff.

3       Money disbursed from the fund under this subsection must be  
4       supplemental or in addition to, rather than a replacement for, regular  
5       appropriations made to carry out the purposes listed in subdivisions (1)  
6       through (8).

7           (e) The sheriff shall maintain a record of the fund's receipts and  
8       disbursements. The state board of accounts shall prescribe the form for  
9       this record. The sheriff shall semiannually provide a copy of this record  
10      of receipts and disbursements to the county fiscal body. The  
11      semiannual reports are due on July 1 and December 31 of each year."

12      Renumber all SECTIONS consecutively.

          (Reference is to HB 1384 as printed February 14, 2007.)

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Representative Stutzman